

CONCLUSION

N.J.A.C. 4A:3-3.9(e) states that in classification appeals, the appellant shall provide copies of all materials submitted, the determination received from the lower level, statements as to which portions of the determination are being disputed, and the basis for appeal. Information and/or argument which was not presented at the prior level of appeal shall not be considered.

The definition section of the job specification for Senior Clerk states:

Under direction of a supervisory official, does clerical work involving the exercise of independent judgment and containing a relatively large proportion of difficult tasks, and/or instructs individuals in the work of a clerical unit; does other related duties as required.

The definition section of the job specification for Technical Assistant states:

Under supervision of a supervisory official in a State department or agency or a local jurisdiction, performs technical functions in providing information and assistance in reviewing and verifying data of a routine nature; does other related duties.

A Senior Clerk classification is used to classify those positions where the incumbent is required to perform clerical work involving the exercise of independent judgment and containing a relatively large proportion of difficult tasks, and may perform lead worker duties. Senior Clerks perform such duties as reviewing, checking, and certifying reports, applications, and other documents for corrections; checking and verifying bills, vouchers, and statements; composing answers to routine letters; receiving and checking applications; data entry; receiving checks or fees and preparing receipts; answers nonroutine inquiries; maintains files; and may organize clerical work and instruct others in the work of the unit. An incumbent Technical Assistant performs *technical tasks*, not solely clerical tasks, of a routine nature, reviews and verifies data as submitted on forms or applications, and follows up with an applicant or caseworker to obtain missing data, prepares requests for appropriate actions, processes related forms, and initiates follow-up actions. In addition, an incumbent Technical Assistant responds to less complicated inquiries and requests for assistance, screens and refers cases that involve technical issues to a higher authority for disposition, assists in the preparation of requests for appropriate actions, performs research, and prepares requests for appropriate actions, processes related forms, and initiates follow-up actions.

On his PCQ, the appellant listed twenty duties. He indicated that for 32% of his time, he performs data entry of initial claims; 14% of his time includes verifying, updating, and recording data; 13% of his time is spent typing letters and settlement

vouchers; for 8% of his time, he opens, sorts, stamps and distributes mail; 2% of his time is spent depositing checks; and 3% of his time is spent filing. These are all clerical duties which comprise the majority of his time.

Based upon a thorough review of the information presented in the record, it is clear that the duties of the position do not match, as a primary focus, the definition for Technical Assistant. The fact that some of an employee's assigned duties may compare favorably with some examples of work found in a given job specification is not determinative for classification purposes, since, by nature, examples of work are utilized for illustrative purposes only. Moreover, it is not uncommon for an employee to perform some duties which are above or below the level of work which is ordinarily performed. In making classification determinations, emphasis is placed on the definition section to distinguish one class of positions from another. The definition portion of a job specification is a brief statement of the kind and level of work being performed in a title series and is relied on to distinguish one class from another. On the other hand, the "examples of work" portion of a job specification provides typical work assignments which are descriptive and illustrative and are not meant to be restrictive or inclusive. *See In the Matter of Darlene M. O'Connell* (Commissioner of Personnel, decided April 10, 1992).

The main difference between these two jobs specifications is that the Technical Assistant performs routine *technical* functions, responds to less complicated inquiries, performs research for various projects or to supply information, communicates with others to carry out the objectives of the office, verifies completeness of information, updates a tracking system, processes forms, and deals with inquiries and provides assistance. While the appellant performs some of these functions, he does so at the level of receipt, verification and tracking of information and data, and data entry. Most of his duties involve office support, not carrying out the objectives of the office. The job specification for Technical Assistant refers to "research" to supply information, or receiving guidance from technical personnel to supply the needed information. "Research" means an investigation in order to discover or interpret facts, or to revise accepted laws or theories. The information the appellant searches for and disseminates is not at the technical level. While he may respond to inquiries, those inquiries are for data or information. An example of response to a less complicated technical inquiry might be to determine and provide an applicable law or rule regarding a relatively simple situation. This response requires a higher level of reasoning than to provide information from documents or databases as to the status of a claim or to provide forms. The definition of the title Senior Clerk describes the majority of the duties of this position.

Lastly, a classification appeal cannot be based solely on a comparison to the duties of another position, especially if that position is misclassified. *See In the Matter of Carol Maita, Department of Labor* (Commissioner of Personnel, decided

March 16, 1995); *In the Matter of Dennis Stover, Middletown Township* (Commissioner of Personnel, decided March 28, 1996). *See also, In the Matter of Lorraine Davis, Office of the Public Defender* (Commissioner of Personnel, decided February 20, 1997), *affirmed*, Docket No. A-5011-96T1 (App. Div. October 3, 1998). The appellant's position stands on its own and is classified based on the duties he performs. The duties performed by other individuals, whether properly or improperly classified, are irrelevant in determining the proper classification of the appellant's position. Civil service rules only permit an employee the right to appeal the classification of the position he or she currently encumbers. *See N.J.A.C. 4A:3-3.9.*

Accordingly, a thorough review of the entire record fails to establish that the appellant has presented a sufficient basis to warrant a Technical Assistant classification of his position.

ORDER

Therefore, the position of Jackson Phillips is properly classified as Senior Clerk.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 16TH DAY OF DECEMBER 2020

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